CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 222H3;1450 on Qeober 15, 2008 (date of transmission) by Janet Shibata (Name of Transmitter).

Janet Shibata (Signature) October 15, 2008 (Date of Signature)

Customer Number 020991

PATENT PD-201150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: October 15, 2008

Ernest C. Chen

Serial No.: 10/692,491

Group Art Unit: 2619

Filed:

October 24, 2003

Examiner: Duc Chi Ho

For: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO MPEP 711.03 and 37 CFR § 1.181

Mail Stop Petitions Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Applicant respectfully requests that abandonment of the above-referenced patent application be withdrawn, and the patent application be returned to the Examiner for further prosecution. The basis for Applicant's request is that a proper Request for Continued Examination (RCE) was filed by Applicant and successfully received at the United States Patent and Trademark Office (USPTO) prior to expiration of the statutory period for responding to the Notice of Allowance dated September 6, 2007 (copy attached as Exhibit 1), i.e., before December 6, 2007. The facts set forth herein will show that the Notice of

Abandonment dated July 14, 2008 (copy attached as Exhibit II) was issued by the USPTO in error.

Pursuant to 37 CFR 1.114(a), if prosecution in the present application is closed, Applicant is permitted to request continued examination of the present application by filing a "submission" and the fee set forth in 37 CFR 1.17(e) prior to payment of the issue fee, abandonment of the application or filing of a notice of appeal. In response to the timely filing of such a request, the USPTO will enter and consider the "submission" (see 37 CFR 1.114(d)). However, in the present case, despite Applicant's repeated timely submissions of proper RCE requests (see F3 and F5 below), the USPTO has failed to continue examination of the present application by entering and considering the amendment (i.e., the "submission") filed with the RCE request. Despite Applicant's proactive efforts to obviate the apparent problem of document misplacement at the USPTO (see F6-F9 below), Applicant has received a Notice of Abandonment (see F10), and now faces the substantial prejudice of the complete loss of potential patent rights to inventions disclosed in the present application.

POINTS TO BE REVIEWED

The main point for review is:

Whether Applicant properly filed a request for continued examination pursuant to 37 CFR 1.114, such that the Notice of Abandonment dated July 14, 2008 should be rescinded as being issued in error.

In considering this main point, the following underlying points P1-P5 should be considered:

P1. Whether Applicant's request for continued examination (RCE), dated November 1, 2007, satisfied the fee requirement under 37 CFR 1.114, based on a pre-existing deposit account authorization (under 37 CFR 1.25(b)) in effect for the entire pendency of the present application.

P2. Based on P1, whether the USPTO issued the Notice of Non-Compliant RCE (dated November 20, 2007) in error.

- P3. Whether Applicant's second RCE (dated November 20, 2007) was received by the USPTO.
 - P4. Whether Applicant's second RCE independently satisfied 37 CFR 1.114, i.e.:
 - (a) Whether prosecution was closed when the USPTO issued the Notice of Allowance and Fee(s) Due on September 6, 2007;
 - (b) Whether the second RCE was filed prior to payment of the issue fee, filing of a notice of appeal, or abandonment of the application;
 - (c) Whether an amendment attached to the second RCE was a "submission" under 37 CFR 1.114(c); and
 - (d) Whether an explicit deposit account charge authorization in the second RCE constituted the fee specified under 37 CFR 1.17(e).
- P5. Whether the USPTO responded appropriately to Applicant's repeated efforts to have the second RCE considered.

FACTS

- F1. On March 29, 2004, Applicant filed a Response to Notice to File Missing Parts (copy of document and USPTO-stamped receipt postcard attached as Exhibit III). Of specific relevance, this response document included authorization for the Commissioner to charge Applicant's deposit account 50-0383 "pursuant to 37 CFR 1.25(b), any fees whatsoever which may properly become due or payable, as set forth in 37 CFR 1.16 to 1.17 inclusive, for the entire pendency of this application without specific additional authorization" (see Exh. III, p. 2).
- F2. On September 14, 2007, Applicant received a Notice of Allowance and Fee(s)Due (copy attached as Exhibit I), dated September 6, 2007. The statutory period for

responding to the Notice of Allowance and Fee(s) Due (e.g., by paying the issue fee or filing an RCE) is specifically identified by the "date due" of December 6, 2007.

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- F3. On November 1, 2007, Applicant filed a first Request for Continued Examination (copy attached as Exhibit IV, hereafter referred to as "RCE1"), including RCE transmittal form PTO/SB/30 and an amendment satisfying the submission requirement under 37 CFR 1.114. No fee under 37 CFR 1.17(e) was attached to RCE1; however, the USPTO has standing authorization to charge any fees due under 37 CFR 1.16 to 1.17 to Applicant's deposit account (see F1 above and Exh. III).
- F4. On November 20, 2007, Applicant received from the USPTO a Notice of Improper RCE dated November 8, 2007 (copy attached as Exhibit V). The Notice of Improper RCE indicates that "[t]he request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114."
- F5. Also on November 20, 2007, subsequent to receipt of the Notice of Improper RCE dated November 8, 2007, Applicant filed, via facsimile, a second Request for Continued Examination (copy attached as Exhibit VI, hereafter referred to as "RCE2"), intended to supersede RCE1. RCE2 included RCE transmittal form PTO/SB/30 and the amendment satisfying the submission requirement under 37 CFR 1.114. In addition, RCE2 included on the face of transmittal PTO/SB/30 Applicant's Deposit Account Number for charging purposes and the appropriate boxes checked for the RCE fee (see Exh. VI). A USPTO Auto Reply Receipt (copy attached as Exhibit VII) was received back, indicating that RCE2 had been successfully received at the USPTO on November 20, 2007.
- F6. On January 10, 2008, Anthony Orler (Applicant's patent counsel under customer number 20991) called Examiner of Record, Duc Chi Ho, regarding the absence of any record of the RCE2 filing in the USPTO PAIR database. At Examiner Ho's request, Applicant transmitted a copy of RCE2 (copy attached as Exhibit VIII) directly to Examiner Ho's facsimile number, so that Examiner Ho could discuss it with his supervisor the

following day. Examiner Ho was provided with Applicant's return phone number for any follow-up (see copy of Anthony Orler's contemporaneous note, attached as Exhibit IX).

- F7. On January 14, 2008, Examiner Ho called Applicant and spoke with Paralegal Karen Lum, at which time Examiner Ho indicated that the RCE2 filing was being docketed (see Karen Lum's January 14, 2008 contemporaneous annotation on Exh. IX).
- F8. On May 6, 2008, Jason Feldmar (Applicant's patent counsel under customer number 20991) contacted Examiner Ho at his direct USPTO phone line to discuss the continued absence of the RCE2 filing from the PAIR database. Jason Feldmar sent an email to Examiner Ho's USPTO email, outlining the telephone call to Examiner Ho (copy attached as Exhibit X).
- F9. On June 12, 2008, Applicant filed a formal Notification to the PTO of Previously Filed Correspondence (copy attached as Exhibit XI) under MPEP 512 and 37 CFR 1.8(b), requesting consideration of the RCE filed on November 20, 2007 (i.e., "RCE2"), and enclosing a copy of the previously transmitted RCE2 in its entirety. A USPTO Auto Reply Receipt (copy attached to Exh. XI) was received back, indicating that the Notification to the PTO of Previously Filed Correspondence had been successfully received at the USPTO on June 12, 2008.
- F10. On July 14, 2008, the USPTO issued a Notice of Abandonment indicating that the present application is abandoned in view of "Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance." Additionally, the Notice of Abandonment indicates that the reason for abandonment is "[i]mproper RCE" (see Exh. II).

ARGUMENT

Applicant submitted RCE1 and RCE2 after prosecution was closed, as defined in 37 CFR 1.114(b).

According to 37 CFR 1.114(b), "[p]rosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application" (emphasis added). In this case, prosecution was closed on September 6, 2007, the mail date of the Notice of Allowance (see F2 and Exh. I). RCE1 and RCE2 were both subsequently filed in November 2007 (see F3 and F5 above, also see Exhs. IV, VI and VII), i.e., after prosecution was closed by the Notice of Allowance.

II. Applicant timely submitted RCE1 and RCE2 pursuant to 37 CFR 1.114(a).

37 CFR 1.114(a) states that "[i]f prosecution in an application is closed, an applicant may request continued examination of the application ... prior to the earliest of: (1)

[p]ayment of the issue fee...; (2) [a]bandonment of the application; or (3) [t]he filing of a notice of appeal" (Emphasis added.) At the time that RCE1 and RCE2 were filed in November of 2007 (see F3 and F5, Exhs. IV and VI), Applicant had not paid the issue fee in the present application, nor had Applicant abandoned the application or filed a notice of appeal. In fact, Applicant filed RCE1 and RCE2 in lieu of paying the issue fee, and did so prior to expiration of the statutory period for paying the issue fee, i.e., December 6, 2007 (see F2 above and Exh. I). Thus, considering either RCE1 or RCE2, Applicant's request for continued examination under 37 CFR 1.114 was timely submitted to the USPTO.

III. The USPTO contemporaneously confirmed receipt of RCE1 and RCE2.

RCE1 was transmitted via facsimile to USPTO fax number 571-273-8300 on November 1, 2007, including one cover page, an RCE transmittal form PTO/SB/30 in Serial No.: 10/692,491

duplicate, and a nine-page amendment – for a total of twelve pages. Applicant's facsimile machine confirmed transmission of the same. Likewise, Applicant received confirmation of receipt from the USPTO in the form of an auto-reply facsimile transmission, reporting twelve pages received on November 1, 2007 (see F3 and Exh. IV).

To obviate the Notice of Improper RCE dated November 8, 2007 (see F4, Exh. V), Applicant filed a new RCE (i.e., RCE2) the same day the Notice of Improper RCE was received (see F5, Exh. VI). RCE2 was transmitted via facsimile to USPTO fax number 571-273-8300 on November 20, 2007, including one cover page, an RCE transmittal form PTO/SB/30 in duplicate, and a nine-page amendment – for a total of twelve pages. Applicant's facsimile machine confirmed transmission of the same. Likewise, Applicant received confirmation of receipt from the USPTO in the form of an auto-reply facsimile transmission, reporting twelve pages received on November 20, 2007 (see F5 and Exh. VII).

IV. RCE1 and RCE2 included a proper "submission" under 37 CFR 1.114(c).

Per 37 CFR 1.114, a proper request for continued examination requires a "submission," which may be satisfied, for example, by an information disclosure statement or an amendment to the written description, claims or drawings (see 37 CFR 1.114(c)). Both RCE1 and RCE2 included a nine-page amendment, which amended the specification and identified a number of related applications (see Exhs. IV and VI). Thus, RCE1 and RCE2 each met the "submission" requirement under 37 CFR 1.114.

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By authorization to charge Applicant's deposit account, RCE1 and RCE2 included the fee set forth in 37 CFR 1.17(e) in fulfillment of 37 CFR 1.114(a).

A. <u>Under 37 CFR 1.25(b), Applicant's continuing charge authorization</u> satisfied the fee requirement of 37 CFR 1.114(a).

As of March 29, 2004, pursuant to 37 CFR 1.25(b), Applicant provided standing authorization to the USPTO to charge Applicant's deposit account 50-0383 "any fees whatsoever which may properly become due or payable, as set forth in 37 CFR 1.16 to 1.17 inclusive, for the entire pendency of this application without specific additional authorization" (see F1 above and Exh. III, p. 2; emphasis added). On this basis, the USPTO should have charged the RCE fee under 37 CFR 1.17(e) to Applicant's deposit account when RCE1 was filed November 1, 2008. Unfortunately, despite the standing charge authorization, the USPTO issued a Notice of Improper RCE, stating that the request was not accompanied by the fee set forth in 37 CFR 1.17(e) (see F4, Exh. V). Under 37 CFR 1.25(b), so long as sufficient funds were in the designated deposit account, the request for continued examination (e.g., via form PTO/SB/30, in Exh. IV), coupled with the preexisting fee authorization (from Exh. III), represents the timely submission of the fee under 37 CFR 1.17(e) as of the date of filing of the RCE request. On November 1, 2007, Applicant's deposit account 50-0383 had a balance of over \$95,000.00 (see the copy of Monthly Statement of Deposit Account attached as Exhibit XII). Based on the foregoing. Applicant submits that RCE1 included the fee required by 37 CFR 1.114(a). Thus, the Notice of Improper RCE dated November 8, 2007, and hence the Notice of Abandonment dated July 14, 2008, were issued in error.

B. Applicant's filing of RCE2 included a specific authorization to charge Applicant's deposit account.

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Applicant filed RCE2 on November 20, 2007, to supersede RCE1. In contrast to RCE1, RCE2 included a specific authorization to charge Applicant's deposit account, including checkmarks in the corresponding fee boxes of form PTO/SB/30 (see F5 and Exh. VI). Thus, RCE2 included the fee set forth by 37 CFR 1.17(e) in satisfaction of 37 CFR 1.114, without reliance on 37 CFR 1.25(b).

VI. The USPTO has failed to consider or respond to Applicant's second request (RCE2), despite Applicant's repeated efforts to obtain such consideration.

Applicant notes that the USPTO has not asserted any deficiencies in the filing of RCE2. However, Applicant's perception is that the USPTO has not duly considered RCE2, nor even accounted for RCE2 in the PAIR database. Applicant has made repeated proactive attempts to rectify any problems due to possible misplacement of RCE2 at the USPTO, including communications with the Examiner and provision of copies of RCE2 as filed (see F6-F8). Most recently, on June 12, 2008, Applicant submitted a Notification to the PTO of Previously Filed Correspondence under 37 CFR 1.8(b), once again requesting consideration of RCE2 and providing another complete copy of RCE2, including the auto-reply facsimile transmission by the USPTO evidencing proper receipt of all pages on November 20, 2008 (see F9 and Exh. XI). Under 37 CFR 1.8(b), the USPTO should have entered RCE2 in the PALM database with the proper filing date of November 20, 2007. However, though the USPTO confirmed receipt of the June 12th Notification, the next action taken by the USPTO was to issue the Notice of Abandonment, without any reference to RCE2 or the June 12th Notification (see F10 and Exh. I).

CONCLUSION

In view of the forgoing, it is respectfully requested that the holding of abandonment be withdrawn. Based on either one of RCE1 or RCE2, Applicant has timely and properly requested continued examination of the present application. RCE1 was not improper because the required fee was pre-authorized under 37 CFR 1.25(b) (see F1, Exh. III). Yet, even if RCE1 is still held to be improper, RCE2 was timely and properly filed (see F5, Exh. VI and VII). Any error in entering RCE2 into the PALM database with the filing date of November 20, 2007 should properly have been corrected by the USPTO in response to Applicant's Notification to the PTO of Previously Filed Correspondence under 37 CFR 1.8(b) (see F9, Exh. XI). Therefore, Applicant respectfully submits that the present application was never abandoned, and is entitled to continued examination for consideration of the amendment commonly submitted in RCE1 and RCE2.

The Commissioner is hereby authorized to charge Applicant's deposit account 50-0383 for any fees required in connection with this filing.

Respectfully submitted,

Todd N. Snyder, Registration No. 41,320

Attorney for Applicant

Date: October 15, 2008

The DIRECTV Group, Inc. CA / LA1 / A109 2230 E. Imperial Highway El Segundo, CA 90245

Telephone: 310-964-0560 Facsimile: 310-964-0941 Email: tnsnyder@directy.com

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS E.O. Box. 1450 E.O. Box. 1450 Www.usessoc.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

20991 7590 09/06/2007

THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
CA / LA I / A 109
P O BOX 956
EL SEGUNDO. CA 90245-0956

SEP 1 4 2807

EXAMINER

HO, DUC CHI

ART UNIT PAPER NUMBER

2616

DATE MAILED: 09/06/2007

 APPLICATION NO.
 FILING DATE
 FIRST NAMED INVENTOR
 ATTORNEY DOCKET NO.
 CONFIRMATION NO

 ✓ 10/92,491
 ✓ 10/42/2003
 Emest C. Chen
 PD-201150
 1850

/ TITLE OF INVENTION: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

APPLN. TYPE	SMALL-ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	12/06/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above.
- If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2

the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450

Alexandria, Virginia 22313-1450 or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as inclicated unless corrected below or directed otherwise in Block I, by (a) specifying a new correspondence address; and/or (b) indicating a separate "EADDRESS" for

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DU	E PREV. PAID ISSU	E FEE TOTAL FEE(S) DU	JE DATE DUE	
nonprovisional	NO	\$1400	\$300	\$0	\$1700	12/06/2007	
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NOTE: The Issue Fee and P interest as shown by the reco	ublication Fee (if requords of the United State	ired) will not be accepte tes Patent and Trademark	d from anyone other that Office.	n the applicant; a reg	istered attorney or agent; or	the assignee or other party in	
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This collection of informatic an application. Confidential submitting the completed at this form and/or suggestion. Box 1450, Alexandria, Virg Alexandria, Virginia 22313	Typed or printed name Registration No. This collection of information is required by 37 CFR.1311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR.1.14. This collection is estimated to take Jr minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete in form and/or usgestions for rectain files burden, should be sent to the Chief Information Officer, U.S. Patert and Traderark Officer, Desparition of Commerce, P.O. 30x.1459, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.						

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

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should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch Office of Data Management

Attachment to Notice of Abandonment

For questions concerning the notice contact Office of Patent Publication Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site: http://www.uspto.gov/web/patents/pubs/abandonnotice.html

Respond to the Notice of Abandonment by one of the following:

 Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows: By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 By mail: 571-273-8300

By facsimile:

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: http://www.uspto.gov.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 By mail: By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ın	re	Appli	cation	OI.	Ernest	(:	(:hen

Serial No.: 10/692,491 Filed: October 24, 2003

: Group Art Unit: 2661 : Examiner: To Be Determined

This is in response to the Notice to File Missing Parts dated February 3, 2004. X Transmitted herewith for filing is the declaration of inventor: Ernest C. Chen. _____ Transmitted herewith for filing are ____ sheet(s) of formal drawings.

For: ONLINE OUTPUT MULTIPLEXER

FILTER MEASUREMENT

RESPONSE TO NOTICE TO FILE MISSING PARTS

X_ The filing fee for this application is calculate	ed belov	v, and has	been pre	evious	ly paid:	
•			CLA	AIMS.	AS FILED	
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	FI	LED	EXTR/	3	RATE	
For: Basic Fee						\$770.00
Total Claims	26	- 20 =	6	x	\$18.00	\$108.00
Independent Claims	3	- 3 =	0	X	\$86.00	\$0.00
Multiple Dependent Claims			0	X	\$290.00	\$0.00
TOTAL FILING FEE:						\$878.00
Please charge Deposit Account No. 50-038 amount of \$0.00. The Commissioner is hereby au required, or credit any overpayment, to that account No. 50-038 amount of \$130.00 for the required Surcharge purs authorized to charge any additional fees which may This is a petition for an extension of time put time. If an additional Extension of Time is required, charge Deposit Account No. 50-0383 of Hughes Elf for the required extension fee pursuant to 37 CFR 1 any additional fees which may be required, or credit	thorized t. 33 of Hu uant to be requ ursuant please ectronic 1.17. Th	to charge ghes Elec 37 CFR 1. uired, or c to 37 CFF consider s, El Segu ne Commi	etronics, E 27. The redit any of this a pet indo, Calissioner is	El Seg Commoverpa or ition tr fornia,	fees which may b undo, California, in issioner is hereby ayment, to that ac- month(s) extensionerefor. Please al in the amount of by authorized to cl	e the count. on of so \$00

X The Commissioner is further hereby authorized to charge to said above Deposit Account No. 50-0383, pursuant to 37 CFR 1.25(b), any fees whatsoever which may properly become due or payable, as set forth in 37 CFR 1.16 to 1.17 inclusive, for the entire pendency of this application without specific additional authorization.

This form is submitted in triplicate.

Date: March 29, 2004

HUGHES ELECTRONICS CORPORATION P.O. Box 956 RE / R11 / A109 El Segundo, CA 90245 Telephone: 303/712.5044

drook, Reg. No. 30,830

I hereby certify that this paper (or fee) is being deposited with the United States Postal Service as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

Typed or printed name of person signing Certificate

Dana J. Warnquist Date: March 29, 2004 COMPANY:

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TO: Fax Sender at 3109640941

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Received Cover Page

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LEASE	CONFIRM F	RECEIPT OF THIS FAC	SIMILE	DIRECTV
Attention:	MAIL STOP	RCE	Fax:	(671) 273-8300
	Group Art Un	it: 2616		
	Examiner: H	O, Duc Chi		
NITED ST	TATES PATEN	IT AND TRADEMARK OFF	Phone:	(571) 272-3147
Pages:	Cover + 1 + 1	+ 9 = 12	Date:	November 1, 2007
From:	Victor G. Cod	per	Fex:	(310) 964-0941
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stended racig	Kent, or the emplo emination, distrib	enced only for the use of the ma pyee or signet responsible to delik rullen or copying of this comm listely notify us by falsohoos, ser	ay eleo contain privile fividual or entity to wi iver it to the intended	(310) 964-0735 ged attorney-client information or wer sich it is addressed. If you are not the recipient, you are hereby notified the prohibited. If you have received the sesses to us at the address below vi-
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Pages: Cover + 1 + 1 + 9 = 12 Date: November 1, 2007

From: Victor G. Cooper Fax: (310) 964-0941 Phone: (310) 964-0735

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November 1, 2007 Janet Shibata (Date of Signature)

Telephone No. (310) 964-4615 (Printed Name of Person Signing Certificate)

Attorney Docket No. PD-201150

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EXHIBIT IV

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	Group Art Unit: 2616		
	Examiner: HO, Duc Chi		
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Pages:	Cover + 1 + 1 + 9 = 12	Date:	November 1, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

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1450, on November 1, 2007.	Au A Dill					
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	/ Janet Shibata	(Date of Signature)				
Telephone No. (310) 964-4615	(Printed Name of Person Signing Certificate)					

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692.491

Filing Date: 10-24-2003

- REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)
- PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo CA 90245

PTO/SB/30 (10-07)

Under the Paperwork Reduction Act of 1995, no persons are requi	U.S. Patent and Trac	lemark Office; U.	S. DEPARTMENT OF COMMERCE			
Request	Application Number	10/692,491				
for	Filing Date	10-24-2003				
Continued Examination (RCE) Transmittal	First Named Inventor	Ernest C. Cl	nen			
Address to:	Art Unit	2619				
Mail Stop RCE Commissioner for Patents P.O. Box 1450	Examiner Name	HO, Duc C.				
Alexandria, VA 22313-1450						
This is a Request for Continued Examination (RCE) Request for Continued Examination (RCE) practice under 37 C 1995, or to any design application. See Instruction Sheet for RC 1. Submission required under 37 CFR 1.114] No amendments enclosed with the RCE will be entered in the	FR 1.114 does not apply to any u CEs (not to be submitted to the Us ote: If the RCE is proper, any preview order in which they were filed u	tility or plant ap SPTO) on page lously filed une nless applican	oplication filed prior to June 8, a 2. Intered amendments and t instructs otherwise. If			
applicant does not wish to have any previously filled uner amendment(s). a. Previously submitted. If a final Office action is considered as a submission even if this box is i. Consider the arguments in the Appeal B	outstanding, any amendments fil not checked.	ed after the fin	al Office action may be			
b.	iv. Other	CFR 1.103(c)				
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. I have enclosed a duplicate copy of this sheet. RCE fee required under 37 CFR 1.17(e) RCE fee required file fee (37 CFR 1.136 and 1.17) Other Other						
b. Check in the amount of \$	enclosed					
c. Payment by credit card (Form PTO-2038 enclosed) WARNING: Information on this form may become public. Credit card Information should not be Included on this form. Provide credit card Information and authorization on PTO-2038.						
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED						
Signature Valatilan	Da		November 1, 2007			
Name (Print/Type) Victor G. Cooper	Re	gistration No.	39,641			
CERTIFICATE O Thereby certify that this correspondence is being deposited with the Unit addressed to: Mail Stop-RCE, Commissione for Pateigts, P. O. Box 145: Office on the date shown below. Signature	PF MAILING OR TRANSMISSION ted States Postal Service with sufficier 0, Alexandria, VA 22313-1450 or facsi	nt postage as firs mile transmitted	t class mail in an envelope to the U.S. Patent and Trademark			
Name (Print/Type) Janet Shibata	Date	November 1	. 2007			
This collection of information is required by 37 CFR 1.114. The informal to process) an application. Confidentiality is governed by 35 U.S.C. 12:	tion is required to obtain or retain a be	nefit by the publi lection is estima	c which is to file (and by the USPTO fied to take 12 minutes to complete,			

including pathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form andien suppassions for enducing this tumber, should be sent to the Other Information, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

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PTO/SB/30 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are requi	U.S. Patent and Trade red to respond to a collection of inform	mark Office; U.S	S. DEPARTMENT OF COMMERCE intains a valid OMB control number.			
Request	Application Number	10/692,491				
for	Filing Date	10-24-2003				
Continued Examination (RCE) Transmittal	First Named Inventor	Ernest C. Ch	en			
Address to:	Art Unit	2619				
Mail Stop RCE Commissioner for Patents	Examiner Name	HO, Duc C.				
P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Number	PD-201150				
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-Identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USFTO) on page 2.						
 Submission required under 37 CFR 1.114 No amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed uner amendment(s). 	e order in which they were filed ur tered amendment(s) entered, app	iless applicant licant must red	instructs otherwise. If quest non-entry of such			
a. Previously submitted. If a final Office action is considered as a submission even if this box is	outstanding, any amendments file not checked.	d after the fina	I Office action may be			
i. Consider the arguments in the Appeal B	rief or Reply Brief previously filed	on				
li. Other						
b. Lendosed	-					
I. Amendment/Reply		n Disclosure S	tatement (IDS)			
ii. Affidavit(s)/ Declaration(s)	iv Other					
Miscellaneous Suspension of action on the above-identified period of months. (Period of suspens b Other						
The RCE fee under 37 CFR 1.17(e) is require The Director is hereby authorized to charge the Deposit Account No.	ne following fees, any underpaym	ent of fees, or				
i. RCE fee required under 37 CFR 1.17(e)		ate copy of the	3 311000.			
ii. Extension of time fee (37 CFR 1.136 and 1						
iii. Other						
b. Check in the amount of \$	enclosed					
c. Payment by credit card (Form PTO-2038 enclos	ed)					
WARNING: Information on this form may become public. C card information and authorization on PTO-2038.	redit card information should n	ot be included	on this form. Provide credit			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED						
Signature Valightley	Dat	e Istration No.	November 1, 2007			
Name (Print/Type) Victor G. Cooper		isu auon ivo.	39,641			
	F MAILING OR TRANSMISSION					
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop-RCE. Commissions for Pategras, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the data shorth Apply.						
Name (Print/Type) Janet Shibata	I nate	November 1,	2007			
This collection of information is required by 37 CFR 1.114. The informat	tion is required to obtain or retain a ber	efit by the public	which is to file (and by the USPTO			
to process) an application. Confidentiality is governed by 35 U.S.C. 123	2 and 37 CFR 1.11 and 1.14. This coll	ection is estimat	ted to take 12 minutes to complete,			

including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form andor suggestions for exciting this truther, should be sent to the Othel Information, U.S. Patient and Tradsmark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mall Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-300-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ernest C. Chen Examiner: Group Art Unit:

Duc C. Ho

Serial No.: Filed:

10/692,491

Docket:

2619

10-24-2003

PD-201150

Title: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on November 1, 2007.

Name:

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen. now issued as U.S. Patent No. 7,209.524:

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guangcai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7, 209,524, and also claims priority to;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS," filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS," filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled "IMPROVING HIERARCHICAL 8PSK PERFORMANCE," filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,375, entitled "METHOD AND APPARATUS FOR LAYERED MODULATION," filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524; and

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

Serial No. 10/692,491

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 1, 2007

Name: Victor G. Cooper Reg. No.: 39,641

The DIRECTV Group, Inc. CA/LA1/A109 2230 E. Imperial Highway P. O. Box 956 El Segundo CA 90245

Telephone No. (310) 964-0735



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/692,491	10/24/2003	Ernest C. Chen	PD-201150	1850
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CA / LA1 / A1 P O BOX 956		RECEIVED	ART UNIT	PAPER NUMBER
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		PATENTS & LICENSING CORPORATE OFFICE	MAIL DATE	DELIVERY MODE
			11/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

			Application No.	Applicant(s)	F 0	
NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)			10/692,491	CHEN, ERNES Art Unit 2616	Date Mailed:	
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		quest for continued examination (RCE) under (s) indicated below:	er 37 CFR 1.114 filed on <u>31 C</u>	ectober, 2007 is in	nproper for	
1.		Continued examination under 37 CFR 1.114 do wish to consider filing a continuing application u cannot be treated as a CPA.	es not apply to an application for nder 37 CFR 1.53(b) or a CPA u	a design patent. A Inder 37 CFR 1.53(pplicant may d). An RCE	
2.		Continued examination under 37 CFR 1.114 do Applicant may wish to consider filing a continuing	es not apply to an application that ng application under 37 CFR 1.53	at was filed before . 3(b).	June 8, 1995.	
3.	6. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.					
4.		The request was not filed before payment of the this application has not yet issued as a patent, a 1.313 to withdraw this application from issue, or	applicant may wish to consider fi	ling either a petitior	s granted. If under 37 CFR	
5.		The request was not filed before abandonment proceedings terminated on Applicant m this abandoned application.	of the application. The application ay wish to consider filing a petition	on was abandoned on under 37 CFR 1	or .137 to revive	
6.	The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.					
7.	☐ The request was not accompanied by a submission as required by 37 CFR 1.114. Since theapplication is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.					
CP CF	A file	A continued prosecution application (CPA) under ed in a utility or plant application that has a filing 114. The request for a CPA in the instant applica (s) indicated above.	date on or after June 8, 1995 w	ill be treated as an	RCE under 37	
		A copy of this Notice	MUST be returned with the r	eply.		
Dir	ect	any questions concerning this notice to				

MARCIA J. GORDON, Technology Center 2600

Telephone Number: 571 272-3003

U.S. Patent and Trademark Office

Part of Paper No. 20071107-2

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FAX COVER SHEET

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Attention: MAIL STOP RCE Fax: (571) 273-8300 Group Art Unit: 2616 Examiner: HO. Duc Chi UNITED STATES PATENT AND TRADEMARK OFFICE Phone: (571) 272-3147 Pages: Cover + 2 + 9 = 12Date: November 20, 2007 Fax: From: Victor G. Cooper (310) 964-0941 Phone: (310) 964-0735

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November 20, 2007 (Date of Signature)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

EXHIBIT VI

FAX COVER SHEET

PLEASE CONFIRM RECEIPT OF THIS FACSIMILE



			<u> </u>
Attention:	MAIL STOP RCE	Fax:	(571) 273-8300
	Group Art Unit: 2616		
	Examiner: HO, Duc Chi		
UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3147
Pages:	Cover + 2 + 9 = 12	Date:	November 20, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

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Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

November 20, 2007 (Date of Signature)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: 10-24-2003

- ➤ REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)
- PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

if you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo CA 90245

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.						
Request	Application Number	10/692,491				
for Continued Examination (RCE)	Filing Date	OCTOBER:	24, 2003			
Transmittal	First Named Inventor	ERNEST C.	CHEN			
Address to: Mail Stop RCE	Art Unit	2619				
Commissioner for Patents P.O. Box 1450	Examiner Name	DUC C. HO				
Alexandria, VA 22313-1450	Attorney Docket Number	201150				
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.						
 Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s). 						
a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.						
i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on						
b. 🗸 Enclosed						
I. Amendment/Reply	iii. Informati	on Disclosure S	tatement (IDS)			
ii. Affidavit(s)/ Declaration(s)	iv. Other_					
Miscellaneous a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required) b Other						
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0383 in . I have endosed a duplicate copy of this sheet.						
i. RCE fee required under 37 CFR 1.17(e)						
ii. Extension of time fee (37 CFR 1.136 and 1.17)						
b. Check in the amount of \$	enclosed					
c. Payment by credit card (Form PTO-2038 enclosed)						
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED						
Signature Vulgifley Name (Print/Type) VICTOR G. COOPER	Da Re	te gistration No.	NOVEMBER 20, 2007 39, 641			
THE TOTAL COOL EX			39, 641			
Iherety contify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE. Commissioner for Patents, P. O. Box 1450. Alexandria, VA 22313-1450 or facsimite transmitted to the U.S. Patent and Trademark Office on the date shown Patiow.						
Signature Kanusan Symm						
Name (Print/Type) KAREN L. LUM This collection of information is required by 37 CFR 1.114. The information	Date on is required to obtain or retain a be	NOVEMBER	20, 2007			
This collection of information is required by 37 CPF. 1.14. The anomation is required to obtain to retain a periodic which is to the (and by the OSF) to process) an application. Confidentiality is governed by 35 USC. 122 and 37 CPF. 1.11 and 1.14. This collection is estimated to take 12 minutes to complete,						

to process) an approachon. Combremanky a government of yas U.S.L. 122 and 37 CH 1.11 and 1.14. In a Combremon is estimated to take 12 minutes to complete including gathering preparing, and submitting the completed application from to the USPTO. Time way of appending upon the individual tases, Any comments on the amount of time you require to complete this form another suggestions for reducing this burden, should be sent to the Chef Information Officer, U.S. Patent and Trademark Officer, U.S. Department of Commercia, P.O. Saw 1469. Alexanderia, V.A. 2231-1446. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mall Stop RCE, Commissioner for Patents, P.O. Box 1459, Alexanderia, V.A. 2231-1450.

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Request	Application Number	10/692,491				
for	Filing Date	OCTOBER : 4, 2003				
Continued Examination (RCE) Transmittal	First Named Inventor	ERNEST C. CHEN				
Address to:	Art Unit	2619				
Mail Stop RCE Commissioner for Patents	Examiner Name	DUC C, HO				
P.O. Box 1450 Alexandria, VA 22313-1450		201150				
	Attorney Docket Number					
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on pager 2.						
Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applican; instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).						
a. Previously submitted. If a final Office action is considered as a submission even if this box is a considered as a submission even if this box is a considered.	Previously submitted. If a final Office action is outstanding, any amendments filed after the fin il Office action may be considered as a submission even if this box is not checked.					
Consider the arguments in the Appeal Br Other	Consider the arguments in the Appeal one or Reply one previously filled on					
b. 🗸 Enclosed						
I. ✓ Amendment/Reply	iii. Information	Disclosure Statement (IDS)				
ii. Affidavit(s)/ Declaration(s)	iv. Other					
2. Miscellaneous						
Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a a. period of						
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The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filled. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 59-0383						
i. RCE fee required under 37 CFR 1.17(e)						
ii. Extension of time fee (37 CFR 1.136 and 1.17)						
iii. Other	iii. Other					
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c. Payment by credit card (Form PTO-2038 enclosed)						
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Name (Print/Type) KAREN L. LUM Date NOVEMBER 20, 2007 This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a heareft by the multipurphick is to file (and by the HSPTO						

rate consection or information is required by 37 CFR 1.144. The Information is required to obtain or retain a benefit by the public which is to 16 (and by the USFTO to process) an application. Conflictedingly a governed by 39 U.S. 1.22 and 79 CFR 1.11 and 1.14. This collection is easimer ted to tast 1 and 1.05 complets, and the second of the conflicted of the conflicted

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ernest C.

Ernest C. Chen Examiner:

Duc C. Ho

Serial No.:

10/692,491 10-24-2003 Group Art Unit: Docket:

2619 PD-201150

Filed: Title:

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By: MACON Jum

Name: Karen L. Lum

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7, 209, 524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7, 209,524;

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guangcai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and also claims priority to;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS," filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS," filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled "IMPROVING HIERARCHICAL 8PSK PERFORMANCE," filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,375, entitled "METHOD AND APPARATUS FOR LAYERED MODULATION," filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524; and

Serial No. 10/692,491

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

Serial No. 10/692,491

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 20, 2007

Name: Victor G. Cooper

Reg. No.: 39,641

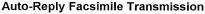
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Group Art Unit: 2616

Group Art Unit: 2616

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 Anthony J. Orler
 Fax:
 (3: 0) 964-0941

 Registration No. 41, 232
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 (310) 964-0735

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Attention: Examiner Ho

Attorney Docket No. PD-201150

Please find attached Re:

Best remard

Serial No.: 10/692,491 Filing Date: 10-24-2003

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Authony J. Orier, Registration No. 41, 232

EXHIBIT VIII

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Attention: Examiner Ho
Please find attached Re:

Attorney Docket No. PD-201150 Serial No.: 10/692,491

Filing Date: 10-24-2003

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November 20, 2007 (Date of Signature)

(310) 964-0735

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

Attorney Docket No. PD-201150

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	Group Art Unit: 2616		
	Examiner: HO, Duc Chi		
UNITED ST	ATES PATENT AND TRADEMARK OFFICE	Phone:	(571) 272-3147
Pages:	Cover + 2 + 9 = 12	Date:	November 20, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

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Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

November 20, 2007 (Date of Signature)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: 10-24-2003

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)

PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo CA 90245

PTO/SB/30 (11-07)

Approved for use through 11/30/2007, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE.

Under the Paperwork Reduction Act of 1995, no persons are requi	red to respond to a collection	of information	on unless it	contains a valid OMB control number
Request for	Application Numbe	- 1.	10/692,491	
Continued Examination (RCE)	Filing Date		OCTOBER	24, 2003
Transmittal	First Named Invent	or	ERNEST C	. CHEN
Address to: Mail Stop RCE	Art Unit	2	2619	
Commissioner for Patents P.O. Box 1450	Examiner Name	C	DUC C. HO	
Alexandria, VA 22313-1450	Attorney Docket Nu	ımber 2	201150	
This is a Request for Continued Examination (RCE) u Request for Continued Examination (RCE) practice under 37 CF 1995, or to any design application. See Instruction Sheet for RC	R 1.114 does not apply to Es (not to be submitted to	o any utility the USPT	y or plant ap (O) on page	pplication filed prior to June 8, e 2.
 Submission required under 37 CFR 1.114) Not amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed unent amendment(s). 				
a. Previously submitted. If a final Office action is c considered as a submission even if this box is r	outstanding, any amendm not checked.	ents filed a	after the fina	al Office action may be
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li. Other				
b. Lenclosed				
I. 🗸 Amendment/Reply	iii. 🔲 Info	ormation D	isclosure S	Statement (IDS)
ii. Affidavit(s)/ Declaration(s)	iv. 🔲 Ott	ner		
2. Miscellaneous				
a. Suspension of action on the above-identified a period of months. (Period of suspension	pplication is requested un on shall not exceed 3 months	der 37 CF Fee under	R 1.103(c) 37 CFR 1.17	for a 7(i) required)
b. Other				
3. Fees The RCE fee under 37 CFR 1.17(e) is required	by 37 CFR 1.114 when t	he RCE is	filed.	
a. The Director is hereby authorized to charge the Deposit Account No. 50-0383	following fees, any unde I have enclosed:	rpayment o	of fees, or o	credit any overpayments, to
i. RCE fee required under 37 CFR 1.17(e)		a dopadoto	oop, or an	S SHOOL
ii. Extension of time fee (37 CFR 1.136 and 1.1	7)			
iii. Other	••			
b. Check in the amount of \$	enc	losed		
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SIGNATURE OF APPLICAN	IT, ATTORNEY, OR AGE		IRED	
Signature / Ulafflom Name (Print/Type) VICTOR G. COOPER		Date		NOVEMBER 20, 2007
VICTOR G. COOPER			ation No.	39, 641
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Office on the date shown below.	Alexandria, VA 22313-1450 o	r facsimile t	rage as first or ransmitted to	ciass mail in an envelope the U.S. Patent and Trademark
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Name (Print/Type) KAREN L. LUM		Date NO	VEMBER:	20, 2007
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o processy all approximation. Confidentiating to governmen or yet user, to 22 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete indicating pathering, preparing, and submitting becompleted application from the bullYTO. Then will very depending upon the individual case. Any comments on complete this form another suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of the Chief Information Officer, U.S. Department of the Chie

PTO/SB/30 (11-07)

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Under the Paperwork Reduction Act of 1995, no persons are requi	ired to respond to a collection of inform	semark Office; U.S. DEPARTMENT OF COMMERCE
Request	Application Number	10/692,491
Continued Examination (RCE)	Filing Date	OCTOBER: 14, 2003
Transmittal	First Named Inventor	ERNEST C. CHEN
Address to: Mail Stop RCE	Art Unit	2619
Commissioner for Patents P.O. Box 1450	Examiner Name	DUC C. HO
Alexandria, VA 22313-1450	Attorney Docket Number	201150
This is a Request for Continued Examination (RCE) used request for Continued Examination (RCE) practice under 37 CF 1995, or to any design application. See Instruction Sheet for RC Suhmission, required under 27 CFD 1444	Es (not to be submitted to the US	ility or plant application filed prior to June 8, PTO) on page: 2
amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed unent amendment(s).	lered amendment(s) entered, app	iless applican: instructs otherwise. If ilicant must request non-entry of such
a. Previously submitted. If a final Office action is o considered as a submission even if this box is r	outstanding, any amendments file not checked.	d after the fin al Office action may be
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b. Enclosed		
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Suspension of action on the above-identified as	pplication is requested under 37 (FR 1.103(c) for a
a. period of months. (Period of suspension b. Other	on shall not exceed 3 months; Fee und	er 37 CFR 1.17(i) required)
3. Fees The RCE fee under 37 CFR 1.17(e) Is required	by 37 CFR 1.114 when the RCF	is filed
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Signature Signature OF APPLICAN	T, ATTORNEY, OR AGENT REC	UIRED
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VIOTOR G. COOPER		ration No. 39, 641
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Name (Print/Type) KAREN L. LUM	Date IN	OVEMBER 20, 2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ernest C. Chen

Examiner:

Duc C. Ho

Serial No.: Filed: 10/692,491 10-24-2003

Group Art Unit: Docket: 2619

Title

10-24-2003 Docket: PD-201150
ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

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By: Marie: Karen L. Lum

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-inpart of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS." filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524:

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7, 209, 524:

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guangcai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and also claims priority to;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS," filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS," filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled "IMPROVING HIERARCHICAL 8PSK PERFORMANCE," filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7, 209, 524:

Application Serial No. 10/519,375, entitled "METHOD AND APPARATUS FOR LAYERED MODULATION," filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524; and

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

Serial No. 10/692,491

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 20, 2007

Name: Victor G. Cooper

Reg. No.: 39,641

The DIRECTV Group, Inc.

CA/LA1/A109

2230 E. Imperial Highway P. O. Box 956

El Segundo CA 90245-0956

Telephone No.: (310) 964-0735

FAX 10- 571-273-3147

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July al 1/10/04

1-14-09 EX. HO RETURNED CALL & INDICATED
THAT THE SECOND ROCE FILING WAS BEING
DOCKETED. JO

COPY

Shibata, Janet E

From: Jason Feldmar [jfeldmar@gates-cooper.com]

Sent: Tuesday, May 06, 2008 9:18 AM

To: duc.ho@uspto.gov

Cc: Lum, Karen L; Shibata, Janet E; Victor G. Cooper

Subject: Our Ref. 109.93-US-U1/PD-201150; Serial Number 10/692.491

Examiner Ho.

Thank you for speaking with me this morning. Per your request, the following summarizes the status:

- A Notice of Allowance was mailed on 9/6/07;
- (2) An RCE (which included a preliminary amendment to the specification) was fax filed by Applicants on 11/1/07;
- (3) A Notice of Improper RCE was mailed by the PTO on 11/8/07 for failure to submit the fee:
 - (4) A new RCE that included the fee was fax filed on 11/20/07;
 - (5) According to PAIR, the 11/20/07 RCE has not yet been entered into the system;
- (6) A copy of the filed 11/20/07 RCE (along with PTO fax confirmation receipt) was faxed to you on 1/10/08.

In view of the above, we would appreciate any efforts on your behalf to have the timely filed RCE entered into the system.

If you have any questions, please do not hesitate to contact me.

Thank you for you help,

- Jason Feldmar (Reg. No. 39,187)

Jason S. Feldmar Gates & Cooper LLP Howard Hughes Center 6701 Center Drive West, Suite 1050 Los Angeles, California 90045 (310) 642-4141 (Direct) (310) 641-8797 (Main) (310) 641-8798 (Fax)

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6/11/2008 EXHIBIT X

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	COVER SHEET		
			DIRECTV
Attention	MAIL STOP RCE	Fax:	(571) 273-8300
	Group Art Unit: 2619	i	
	Examiner: HO, Duc Chi	Phone:	(571) 272-6706
	TATES PATENT AND TRADEMARK OFFICE		
	Cover + 2 + 3 + 2 + 9 = 17	Date:	November 20, 2007
From:	Todd N. Snyder	Fax:	(310) 964-0941
	Attorney for Applicant	Phone:	(310) 964-0560
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Attorney for Applicant

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June 12, 2008 (Date of Signature)

(310) 964-0560

Telephone No. (310) 964-035 (Printed Name of Person Signing Certificate)

Attorney Docket No. PD-201150

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Serial No. 10/692 491

EXHIBIT XI

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Pages:	Cover + 2 + 3 + 2 + 9 = 17	Date:	November 20, 2007
From:	Todd N. Snyder	Fax:	(310) 964-0941
	Attorney for Applicant	Phone:	(310) 964-0560

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Karen L. Lum June 12, 2008
(Date of Signature)

Telephone No. (310) 964-035 (Printed Name of Person Signing Certificate)

Attorney Docket No. PD-201150

Please find attached Re:

Attention: Commissioner for Patents

Serial No.: 10/692,491 Filing Date: October 24, 2003

Request to Consider RCE Filing (2 pages)

Copy of Previously Transmitted RCE and Amendment (15 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

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(Signature)

June 12, 2008 (Date of Signature)

Customer Number 020991

Patent Docket No. PD-201150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: June 12, 2008

Ernest C. Chen

Serial No.

Group Art Unit: 2619

10/692,491 Filed: October 24, 2003

Examiner: Duc Chi Ho

For: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

NOTIFICATION TO THE PTO OF PREVIOUSLY FILED CORRESPONDENCE ADDRESSED TO MAIL STOP RCE PURSUANT TO MPEP SECTION 512 AND 37 CFR §1.8(b)

Mail Stop RCE Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Dear Sir.

Applicant filed a Request for Continued Examination (RCE) with applicant's Deposit Account Number for charging purposes and the required box checked for required RCE fee, with an accompaning amendment via facsimile transmission on November 20, 2007. A PTO Auto Reply Receipt was received back indicating that this correspondence had been successfully received. To date,

Serial No.: 10/692,491 -2-

applicant's deposit account has not been charged for this filing, nor, does PAIR show receipt of the 'RCE' filing of November 20, 2007.

Applicant respectfully requests that the RCE filing of November 20, 2007, be duly considered.

Respectfully submitted,

Attorney for Applicant

Date: June 12, 2008

The DIRECTV Group, Inc. CA / LA1 / A109 2230 E. Imperial Highway El Segundo, CA 90245-0956

Telephone: 310-964-0560 Facsimile: 310-964-0941 Email: tnsnyder@directv.com

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From: Victor G. Cooper
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1450, on November 20, 2007.

Karen L. Lum

November 20, 2007 (Date of Signature)

(310) 964-0735

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

Attorney Docket No. PD-201150

Phone:

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EXHIBIT XI

FAX COVER SHEET

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Attention:	Attention: MAIL STOP RCE		(571) 273-8300
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	Examiner: HO, Duc Chi		
UNITED STATES PATENT AND TRADEMARK OFFICE			(571) 272-3147
Pages:	Cover + 2 + 9 = 12	Date:	November 20, 2007
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		Phone:	(310) 964-0735

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1450, on <u>November 20, 2007</u> .	
Karen I Jum	November 20, 2007
Karen L Lum	(Date of Signature)

Attention: Commissioner for Patents

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692.491

Filing Date: 10-24-2003

- REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)
- PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

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Hades the Dan	erwork Reduction Act of 1995, no persons are requi	U.S. Patent and Trade	roved for use through 11/30/20 mark Office; U.S. DEPARTME	NT OF COMMERCE
Onder the Fape	Request	Application Number	10/692,491	OMB control number.
for Continued Examination (RCE)		Filing Date	OCTOBER 24, 2003	
Continu	Transmittal	First Named Inventor	ERNEST C. CHEN	
Address to: Mail Stop RCE		Art Unit	2619	
Commissioner f P.O. Box 1450	or Patents	Examiner Name	DUC C. HO	
Alexandria, VA		Attorney Docket Number	201150	
Request for Contin	st for Continued Examination (RCE) usued Examination (RCE) practice under 37 CF sign application. See Instruction Sheet for RC	R 1.114 does not apply to any uti	lity or plant application filed	
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[Z] 1	The RCE fee under 37 CFR 1.17(e) is required The Director is hereby authorized to charge the Deposit Account No. 50-0383	e following fees, any underpayme	nt of fees, or credit any ove	erpayments, to
i. 🔽	RCE fee required under 37 CFR 1.17(e)			
li.	Extension of time fee (37 CFR 1.136 and 1.			
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Signature	VILLANDE OF APPLICA	Date	NOVEMBER	3 20, 2007
Name (Print/Type)	VICTOR G. COOPER		stration No. 39, 641	20, 2001
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I hereby certify that the addressed to: Mail Sto Office on the date sho	is correspondence is being deposited with the Unite op RCE, Commissioner for Patents, P. O. Box 1450,	d States Postal Service with sufficient Alexandria, VA 22313-1450 or facsimi	ostage as first class mail in an ie transmitted to the U.S. Pater	envelope nt and Trademark
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Name (Print/Type)	CAREN L. LUM	Date	NOVEMBER 20, 2007	
	mation is required by 37 CFR 1 114. The information	on is required to obtain or retain a bene	at by the nublic which is to file	(and by the USDTO

This collection of information is required by 37 CFR 1.144. The information is required to totake or retain a benefit by the public which is 10 lies (and by the USFTO to process) an application. Confidentiality is governed by 38 U.S. 0.2 to 22 and 75 CFR 1.11 and 1.14. This collection is estimated to take 12 residented to take 1

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Under the Paperwork Reduction Act of 1995, no persons are requi	U.S. Patent and		through 11/30/2007. OMB 0651-0031 J.S. DEPARTMENT OF COMMERCE			
Request	Application Number	1	10/692,491			
for			OCTOBER 24, 2003			
Continued Examination (RCE)	Filing Date	OCTOBER	24, 2003			
Transmittal	First Named Inventor	ERNEST C	C. CHEN			
Address to: Mail Stop RCE	Art Unit	2619				
Commissioner for Patents	Examiner Name	DUC C. HO)			
P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Num	har 201150				
This is a Request for Continued Examination (RCE) u			find application			
Request for Continued Examination (RCE) practice under 37 CF 1995, or to any design application. See Instruction Sheet for RC	R 1.114 does not apply to a Es (not to be submitted to the	ny utility or plant a e USPTO) on pag	pplication filed prior to June 8, le 2.			
Submission required under 37 CFR 1.114 Not amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed unen amendment(s).	e order in which they were fil tered amendment(s) entered	ed unless applicar , applicant must n	nt instructs otherwise. If equest non-entry of such			
a. Previously submitted. If a final Office action is considered as a submission even if this box is	outstanding, any amendmen not checked.	s filed after the fir	al Office action may be			
i. Consider the arguments in the Appeal Br	ief or Reply Brief previously	filed on				
li. U Other						
b. 🗹 Enclosed	_					
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ii. Affidavit(s)/ Declaration(s)	iv. Other					
2. Miscellaneous						
a. Suspension of action on the above-identified a period of months. (Period of suspension of months.						
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a. The Director is hereby authorized to charge the Deposit Account No. 50-0383	e following fees, any underpa	syment of fees, or	credit any overpayments, to			
i. RCE fee required under 37 CFR 1.17(e)						
ii. Extension of time fee (37 CFR 1.136 and 1.1	17)					
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Name (Print/Type) KAREN L. LUM This collection of information is required by 37 CFR 1.114. The information	D	NOVEMBER	20, 2007			
Inis collection of information is required by 37 CFR 1.114. The information in process) an application. Confidentiality is governed by 35 (LS C. 122 a	n is required to obtain or retain a	cenetit by the public	which is to file (and by the USPTO			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is 16 left (and by the US) to 2.124 and 7.05 FR. 1.11 and 1.14. This collection is estimated to tast to 16 minutes to complete, or process) an application. Confidentiality is governed by 38 U.S. 0.12 and 7.05 FR. 1.11 and 1.14. This collection is estimated to tast to complete, or process to the service of the service

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ernest C. Chen Applicant:

Examiner:

Group Art Unit:

Duc C. Ho

Serial No.: Filed:

10/692,491

2619

Title

10-24-2003

Docket:

PD-201150

ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

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PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7, 209, 524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7.209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7, 209, 524;

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guangcai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungheon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and also claims priority to;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS," filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS," filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled "ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER," filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled "IMPROVING HIERARCHICAL 8PSK PERFORMANCE," filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,375, entitled "METHOD AND APPARATUS FOR LAYERED MODULATION," filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

Serial No. 10/692,491

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 20, 2007

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Deposit Account Statement

Requested Statement Month: Deposit Account Number:

Name: Attention:

Street Address 1: Street Address 2:

City: State: Zip: Country: November 2007 500383

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